

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: DAWN ELIZABETH WEIMAR Debtor, CONSUMER PORTFOLIO SERVICES, INC. Movant, v. DAWN ELIZABETH WEIMAR KENNETH E. WEST, Trustee. Respondents.	Bankruptcy No. 23-13076-mdc Chapter 13
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OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

AND NOW COMES, Movant, Consumer Portfolio Services, Inc. (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Objection to Confirmation of Chapter 13 Plan (the “Objection”) filed October 26, 2023, stating as follows:

1. Respondent, Dawn Elizabeth Weimar (the “Debtor”) filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on October 12, 2023 (the “Petition Date”).
2. Kenneth E. West is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.
3. On or about August 23, 2022, Debtor entered into a Retail Installment Sales Contract (“Note”) with the Movant for the purchase of the 2017 BMW 2 Series, VIN WBA2H9C34HV642504 (the “Vehicle”) with the Movant, a true and correct copy of which is attached hereto as Exhibit A.
4. Movant has a secured interest in the 2017 BMW 2 Series, VIN WBA2H9C34HV642504, as evidenced by the Certificate of Title attached hereto as Exhibit B.
5. The Note requires monthly payments of \$593.88 at an annual interest rate of 13.80%.

6. The payoff on the Note as of November 6, 2023 was \$26,260.29. The total pre-petition arrears due at the Petition Date was \$540.44. These amounts will be reflected in the Proof of Claim that will be filed by Movant prior to the bar date.

7. Debtor's Chapter 13 Plan filed October 26, 2023 does not list or provide for the amounts owed to Consumer Portfolio Services, Inc.

8. The Debtor's Chapter 13 Plan fails to cure Movants pre-petition arrears and therefore fails to comply with 11 U.S.C. § 1322.

9. The Movant's Proof of Claim should govern.

WHEREFORE, Movant, Consumer Portfolio Services, Inc., respectfully requests that this Honorable Court deny confirmation of Debtor's Chapter 13 Plan.

Dated: November 15, 2023

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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